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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/501,082
Filing Date: July 09, 2004
Appellant(s): KATAYAMA, YASUSHI

Bradley D. Lytle
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 07/16/2009 appealing from the Office action mailed 04/27/2009.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

US 5,567,176 B1	Jeyachandran et al.	05/2003
US. 2002/0069408 A1	Abe et al.	06-2002

US 7,073,055

Freed et al.

07-2006

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 9, 21, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abe et al. Pub. No (US. 2002/0069408 A1) in view of Jeyachandran et al. Patent No. (US 6,567,176 B1).

As per **claim 9** Abe teaches an information processing apparatus comprising:

a data reception unit (355);

a rule decision processing unit (22) configured to determine whether data processing (44) based on a data processing request (S470,413) received via the data reception unit (355) is to be executed (a rule decision processing unit as to whether the entry should be processed according to the output table in FIG.15 [0172] [0205] FIG.19); and

a data processing unit (44) configured to execute data processing based on the determination of the rule decision processing unit (22) (a data processing unit configured to process information [0274] [0316] [0258] FIG.25), wherein

the rule decision processing unit (22) is configured to execute determination processing for determining whether or not the processing according to the processing request is (determine processing information in according with the request [0070])

to be executed based on a rule deciding condition (22) descriptor (the decision processing unit determines whether or not the commercial messages should be processed [0172] [0206] FIG.19), and the rule deciding condition descriptor (information descriptors [0367] [0387] [0389]) is determined based on a probability (103) value (processing information based on a commercial messages probability value extracted from database [0247] [0258] FIG.23; determining whether or not the request is to be executed; i.e. not always processing/outputting the information [0083])

Abe fails to teach the specifics on how the processing requests are handled in each unit and how processing information determined by the rule decision unit from the data processing unit to the data reception unit is executed in servers or computer units.

However, Jeyachandran teaches an information processing apparatus that is one of a plurality of apparatuses that communicate with each other, one apparatus outputting information in response to the receipt of an instruction from another apparatus, or based on a request that is requesting a required process from another apparatus, the method includes an optimum planning unit 206 makes an optimal plan for the execution of a jobs. A job execution determination unit 207 determines whether a job should be executed, or when the job is to be executed that is based on the request inputted from other units, and determines whether another apparatus will execute the job. When another apparatus executes the job, another apparatus instruction unit 208 sends an a request with instruction to the other apparatus for the job execution. When the job is executed, an execution notification unit 210 notifies a user that the execution instruction has been issued to another apparatus based on

their request. (Col.2, line 35-67 ; Col.15, Line 5-53; FIG.4) for example, consider, FIG. 12, at step S120 a check is performed to determine whether or not a job constitutes necessary information for a user based on their request. If this is true, the processes at step S122 and the following steps are performed. If not, at step S127 the job is canceled. At step S122, information concerning the advance notice that corresponds to the job type and conditions in FIG. 13 is referred to, or the contents described on a cover sheet are analyzed to determine whether or not a notice for the process to be executed and the contents of the process should be issued to a user prior to the performance of the instructed job (i.e. not always processing the request) When advance notice is not required, program control moves to step S126. When advance notice is issued, program control moves to step S124, whereat a user is notified of the process to be performed and its contents. At step S125, the permission for the performance is received from a user, if necessary. At step S126 the job is performed. (Col.18, line 64; FIG.12) in order to efficiently process information requests and reduce the load placed on a user when performing an operation to implement the objective of processing information (Col.15, Line 5-53; Col.18, line 64)

It would have been obvious to a person having ordinary skilled in the art at the time the invention was made to have modified Abe by the teaching of Jeyachandran to process requests based on their instructions and determine if each unit should process the information or redirect the processing request to other unit in order to efficiently process information requests and reduce the load placed on a user when performing

an operation to implement the objective of processing information (Col.15, Line 5-53; Col.18, line 64)

As per **claim 21** Abe teaches a data processing method for analyzing a data processing request received via a data reception unit, and for determining whether the data processing request is to be executed, comprising:

a rule decision processing step (22) for determining whether data processing (44) based on the data processing request (S470) is to be executed (a rule decision processing unit as to whether the entry should be processed according to the output table in FIG.15 [0172] [0205] FIG.19); and

a data processing (44) step for executing data processing based on the determination of the rule decision processing step (a data processing unit configured to process information [0274] [0316] [0258] FIG.25), wherein

The rule decision processing step determines whether or not the processing according to the processing request is to be executed based on a rule deciding condition descriptor (the decision processing unit determines whether or not the commercial messages should be processed [0172] [0206] FIG.19), and the rule deciding condition descriptor is determined based on a probability value (processing information based on a commercial messages probability value extracted from database [0247] [0258] FIG.23).

Abe fails to teach the specifics on how the processing requests are handled in each unit and how processing information determined by the rule decision unit from the data processing unit to the data reception unit is executed in servers or computer units.

However, Jeyachandran teaches an information processing apparatus that is one of a plurality of apparatuses that communicate with each other, one apparatus outputting information in response to the receipt of an instruction from another apparatus, or based on a request that is requesting a required process from another apparatus, the method includes an optimum planning unit 206 makes an optimal plan for the execution of a jobs. A job execution determination unit 207 determines whether a job should be executed, or when the job is to be executed that is based on the request inputted from other units, and determines whether another apparatus will execute the job. When another apparatus executes the job, another apparatus instruction unit 208 sends an a request with instruction to the other apparatus for the job execution. When the job is executed, an execution notification unit 210 notifies a user that the execution instruction has been issued to another apparatus based on their request. (Col.2, line 35-67 ; Col.15, Line 5-53; FIG.4) for example, consider, FIG. 12, at step S120 a check is performed to determine whether or not a job constitutes necessary information for a user based on their request. If this is true, the processes at step S122 and the following steps are performed. If not, at step S127 the job is canceled. At step S122, information concerning the advance notice that corresponds to the job type and conditions in FIG. 13 is referred to, or the contents described on a cover sheet are analyzed to determine whether or not a notice for the process to be

executed and the contents of the process should be issued to a user prior to the performance of the instructed job (i.e. not always processing the request) When advance notice is not required, program control moves to step S126. When advance notice is issued, program control moves to step S124, whereat a user is notified of the process to be performed and its contents. At step S125, the permission for the performance is received from a user, if necessary. At step S126 the job is performed. (Col.18, line 64; FIG.12) in order to efficiently process information requests and reduce the load placed on a user when performing an operation to implement the objective of processing information (Col.15, Line 5-53; Col.18, line 64)

It would have been obvious to a person having ordinary skilled in the art at the time the invention was made to have modified Abe by the teaching of Jeyachandran to process requests based on their instructions and determine if each unit should process the information or redirect the processing request to other unit in order to efficiently process information requests and reduce the load placed on a user when performing an operation to implement the objective of processing information (Col.15, Line 5-53; Col.18, line 64)

As per **claim 27** Abe teaches A computer-readable storage medium including a computer program for analyzing a data processing request received via a data reception unit, and for determining whether the data processing request is to be executed, when executed by a processor, causes the process to perform a method comprising:

a rule decision processing (22) step for determining whether the data processing (44) based on the data processing request (S470) is to be executed; and

a data processing (44) step for executing the data processing based on the determination of the rule decision processing step (a rule decision processing unit as to whether the entry should be processed according to the output table in FIG.15 [0172] [0205] FIG.19), wherein

The rule decision processing step determines whether or not the processing according to the processing request is to be executed based on a rule deciding condition descriptor (the decision processing unit determines whether or not the commercial messages should be processed [0172] [0206] FIG.19), and the rule deciding condition descriptor is determined based on a probability value (information descriptors [0367] [0387] [0389]) is determined based on a probability (103) value (processing information based on a commercial messages probability value extracted from database [0247] [0258] FIG.23).

Abe fails to teach the specifics on how the processing requests are handled in each unit and how processing information determined by the rule decision unit from the data processing unit to the data reception unit is executed in servers or computer units.

However, Jeyachandran teaches an information processing apparatus that is one of a plurality of apparatuses that communicate with each other, one apparatus outputting information in response to the receipt of an instruction from another apparatus, or based on a request that is requesting a required process from another apparatus, the method includes an optimum planning unit 206 makes an optimal plan

for the execution of a jobs. A job execution determination unit 207 determines whether a job should be executed, or when the job is to be executed that is based on the request inputted from other units, and determines whether another apparatus will execute the job. When another apparatus executes the job, another apparatus instruction unit 208 sends an a request with instruction to the other apparatus for the job execution. When the job is executed, an execution notification unit 210 notifies a user that the execution instruction has been issued to another apparatus based on their request. (Col.2, line 35-67 ; Col.15, Line 5-53; FIG.4) for example, consider, FIG. 12, at step S120 a check is performed to determine whether or not a job constitutes necessary information for a user based on their request. If this is true, the processes at step S122 and the following steps are performed. If not, at step S127 the job is canceled. At step S122, information concerning the advance notice that corresponds to the job type and conditions in FIG. 13 is referred to, or the contents described on a cover sheet are analyzed to determine whether or not a notice for the process to be executed and the contents of the process should be issued to a user prior to the performance of the instructed job (i.e. not always processing the request) When advance notice is not required, program control moves to step S126. When advance notice is issued, program control moves to step S124, whereat a user is notified of the process to be performed and its contents. At step S125, the permission for the performance is received from a user, if necessary. At step S126 the job is performed. (Col.18, line 64; FIG.12) in order to efficiently process information requests and reduce

the load placed on a user when performing an operation to implement the objective of processing information (Col.15, Line 5-53; Col.18, line 64)

It would have been obvious to a person having ordinary skilled in the art at the time the invention was made to have modified Abe by the teaching of Jeyachandran to process requests based on their instructions and determine if each unit should process the information or redirect the processing request to other unit in order to efficiently process information requests and reduce the load placed on a user when performing an operation to implement the objective of processing information (Col.15, Line 5-53; Col.18, line 64)

2. Claims 11-12 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abe et al. Pub. No (US. 2002/0069408 A1) in view of Freed et al. Patent No. (US 7,073,055 B1) further in view of Jeyachandran et al. Patent No. (US 6,567,176 B1).

As per **claim 11** the modified Abe teaches the information processing apparatus according to claim 9, wherein:

said rule deciding condition (22) descriptor (information descriptors [0367] [0387] [0389]) is included in a data processing (44) request (S470, 413); and

said rule decision processing unit (22) is configured to generate a random number (206) (information transmission reception system comprising transmission means for generating and sending out a transmission signal [0008][0017] FIG.26), and to execute determining processing for determining whether or not the processing according to a

processing request is to be executed based on a comparison (204) between the generated random number (206) and said rule deciding condition (22) descriptor (information descriptors [0367] [0387] [0389])

The modified Abe fails to teach the specifics on generating a random number for the rule decision processing unit to determine the data destination.

However, Freed teaches a random number chosen used to associate messages and responses between a client and a server (Table-1 FIG.1 Col.4, line 10)

It would have been obvious to a person having ordinary skilled in the art at the time the invention was made to have modified the modified Abe by the teaching of Freed, because one would have to implement a rule decision condition (i.e. judgment unit, router or any processor that distinguish data destinations), a reception and/or transmission units in communications with computer networks/servers to process information. The rule decision condition unit would have to generate a number to associate messages to be forwarded to the intended recipient

As per **claim 12** the modified Abe teaches the information processing apparatus according to claim 9, wherein:

said rule deciding condition (22) descriptor (information descriptors [0367] [0387] [0389]) is included in a data processing (44) request (413); and

said rule decision processing unit (22) is configured to perform hash value calculation (20) processing based on the data processing request (S470,413) storing data (103,11), and to execute determining processing (44)for determining whether or

not the processing according to a processing request is to be executed based on a comparison between a calculated hash value and a setting value set in its own apparatus in advance (comparing pre-set signal with generated signal [0008] [0013] FIG.33)

The modified Abe fails to teach the specifics on performing hash value calculation processing.

However, Freed teaches the processing method uses hash functions for creating and verifying a digital signature (Col.14, line 61; Col.20, Line 55 FIG.1)

It would have been obvious to a person having ordinary skilled in the art at the time the invention was made to have modified the modified Abe by the teaching of Freed, because one would have to implement a rule decision condition (i.e. judgment unit, router or any processor that distinguish data destinations), a reception and/or transmission units in communications with computer networks/servers to process information. The rule decision condition unit would have to perform a hash function value calculation to determine the execution of data based on the hash result.

As per **claim 23** the modified Abe teaches the data processing method according to claim 21, wherein:

said rule deciding condition descriptor is included in the data processing request (information transmission reception system comprising transmission means for generating and sending out a transmission signal [0008] [0017] FIG.26); and

said rule decision processing step generates a random number and determines whether or not the processing according to the processing request is to be executed based on a comparison between the generated random number and the said rule deciding condition descriptor (information descriptors [0367] [0387] [0389])

The modified Abe fails to teach the specifics on generating a random number for the rule decision processing unit to determine the data destination.

However, Freed teaches a random number chosen used to associate messages and responses between a client and a server (Table-1 FIG.1 Col.4, line 10)

It would have been obvious to a person having ordinary skilled in the art at the time the invention was made to have modified the modified Abe by the teaching of Freed, because one would have to implement a rule decision condition (i.e. judgment unit, router or any processor that distinguish data destinations), a reception and/or transmission units in communications with computer networks/servers to process information. The rule decision condition unit would have to generate a number to associate messages to be forwarded to the intended recipient

As per **claim 24** the modified Abe teaches the data processing method according to claim 21, wherein:

said rule deciding condition (22) descriptor information descriptors [0367] [0387] [0389]) is included in the data processing request (413); and
said rule decision processing step executes hash value calculation processing (44) based on the data processing request storing data, and determines whether or not

processing according to the processing request is to be executed based on a comparison between a calculated hash value and a setting value set in its own apparatus in advance (comparing pre-set signal with generated signal [0008] [0013] FIG.33)

The modified Abe fails to teach the specifics on performing hash value calculation processing.

However, Freed teaches the processing method uses hash functions for creating and verifying a digital signature (Col.14, line 61; Col.20, Line 55 FIG.1)

It would have been obvious to a person having ordinary skilled in the art at the time the invention was made to have modified the modified Abe by the teaching of Freed, because one would have to implement a rule decision condition (i.e. judgment unit, router or any processor that distinguish data destinations), a reception and/or transmission units in communications with computer networks/servers to process information. The rule decision condition unit would have to perform a hash function value calculation to determine the execution of data based on the hash result.

(10) Response to Arguments

1. First Issue. (Arguments pages 4-10)

• Argument-1

Applicant recites that the references do not disclose, teach or suggest "the rule decision processing unit is configured to execute determination processing for determining whether or not the processing according to the processing request is to be

executed based on a rule deciding condition descriptor, and the rule deciding condition descriptor is determined based on a probability value"

- **Examiner Response to Argument-1**

In contrary, the cited art teaches a rule decision condition unit 22 for processing information related to Commercial Message "CM" includes transmitting/receiving the detailed information through transmission means, processing means, detecting section, and an acquisition section for acquiring information corresponding to the detected information (Abe- [0007] [0008] [0010]) The rule decision unit is fed with CM candidate table 21 and obtained by score decision in the supplementary condition decision unit to output the CM based on the "information request" and it's a probability value (Abe- [0172] [0205])

Consider the request processed in FIG.19, the rule decision unit decides to whether or not to process such request based on a set of rules (i.e. based on the content of the request, and probability value), at step S73 the rule decision unit verifies whether to execute and process the information before outputting, it decides based on the rules set to whether erases or retrieves the candidate information from the table then revert to step S70 or retrieves the information from table to complete the process (Abe- [0214] FIG.19) applicant should note that The "data processing request" claimed is the same as "Information processing request" that Abe teaches, the information processing request (i.e. processing CM) is maintained in t table until a decision is given as to whether or not the entry is a CM, which is based on content of the request received via the data reception unit, if the decision is given that the entry is a CM, a CM

detection processed and issued from a rule decision unit 22 based on probability value, If otherwise, the entry is discarded. However, to complete the process of the request, the execution is also done based on a condition decision unit 21, which relies on a threshold value functions to ONLY executes and processes information with a certain score value in the request, i.e. not all requests are processed (Abe- [0164] [0196] [0193] FIG.13)

Furthermore, the cited art teaches a system and method for processing requests based on their content in a plurality of apparatuses that communicate with each other, one apparatus, the method includes a job execution determination unit 207 determines whether a job should be executed, or when the job is to be executed. An instruction unit 208 sends the requests/job with instruction to each apparatus for the job to be executed (Jeyachandran -Col.2, line 35-67; Col.15, Line 5-53; FIG.4) as given in FIG. 12, at step S120 a check is performed to determine whether or not a job constitutes necessary information for a user based on their request. If this is true, the processes at step S122 and the following steps are performed. If not, the job is canceled. (Jeyachandran -Col.18, line 64; FIG.12)

- **Argument-2**

Applicant recites that the references do not disclose, teach or suggest "the rule decision processing unit is configured to determine whether or not the processing according to the processing request is to be executed....based on a probability value"

- **Examiner Response to Argument-2**

In contrary, the cited art teaches the rule decision unit decides to whether or not to process such request based on a set of rules (i.e. based on the content of the request, and probability value), at step S73 of FIG.19 the rule decision unit verifies whether to execute and process the information before outputting, it decides based on the content of the request or "rules set" to whether erases or retrieves the candidate information from the table then revert to step S70 or retrieves the information from table to complete the process (Abe- [0214] FIG.19) applicant should note that The "data processing request" claimed is the same as "Information processing request" that Abe teaches, the information processing request (i.e. processing CM) is maintained in the table until a decision is given as to whether or not the entry is a CM, which is based on content of the request received via the data reception unit, if the decision is given that the entry is a CM, a CM detection processed and issued from a rule decision unit 22 based on probability value, If otherwise, the entry is discarded. However, to complete the process of the request, the execution is also done based on a condition decision unit 21, which relies on a threshold value functions to ONLY executes and processes information with a certain score value in the request, i.e. not all requests are processed (Abe- [0164] [0196] [0193] FIG.13)

- **Argument-3**

Applicant argues that "the decision made by the rule decision unit 22 of Abe is not based on a request, 350c, the request at step S470, or the request at step S413, asserted to teach the data processing request as defined by Claim 9"

- **Examiner Response to Argument-3**

The rule decision condition unit 22 of Abe is a unit for processing information related to Commercial Message "CM" and makes decisions or presents output decisions based on a probability value that was calculated in relationship with popularity of a commercial message (Abe- [0008] [0010]) [0172] FIG.19) on the other hand, the secondary reference was introduced to cure such limitations of processing messages where the cited art teaches a system and method for processing requests based on their content in a plurality of apparatuses that communicate with each other, one apparatus, the method includes a job execution determination unit 207 determines whether a job should be executed, or when the job is to be executed. An instruction unit 208 sends the requests/job with instruction to each apparatus for the job to be executed (Jeyachandran -Col.2, line 35-67; Col.15, Line 5-53; FIG.4) as given in FIG. 12, at step S120 a check is performed to determine whether or not a job constitutes necessary information for a user based on their request. If this is true, the processes at step S122 and the following steps are performed. If not, the job is canceled. (Jeyachandran - Col.18, line 64; FIG.12)

2. Second Issue. (page 10)

Applicant recites that "Claims 11, 12, 23, and 24 patentably define over the combination of Abe and Jeyachandran for at least the same reasons as Claims 9 and 21"

Response to Second Issue

As explained in the response to arguments, the cited references made up of record teach the claimed invention, whereas the examiner interpreted the claims to its

broadest reason interpretation and has taken the language of the claims *As Written*, considering the invention as a whole, therefore these claims were treated accordantly as presented above.

3. Third Issue. (page 10)

Applicant recites that "many of the assertions from the Office Action dated September 26, 2008 are repeated in the Office Action dated April 27, 2009, Appellant's arguments regarding those assertions are not addressed at all"

Response to Third Issue

Applicant's arguments presented in office action dated September 26, 2008 and Office Action dated April 27, 2009 were fully considered and accordantly responded to as presented in the office actions, respectively in according to the MPEP rules and regulations. However, amendments submitted by the applicant did not overcome the primary reference relied upon and made up of record by the examiner but led to the introduction of a secondary reference to treat the newly added limitations in the last amendment.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/A. O. M./

Examiner, Art Unit 2446

October 21, 2009

/Jeffrey Pwu/

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